IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 10TH JULY 2007 / 19TH ASHADHA 1929

WP(C).No. 19255 of 2007(P)

PETITIONER:

NEDUMANGAD CO-OPERATIVE URBAN BANK
LTD.NO.3193, REP. BY ITS CHAIRMAN.

BY ADV. SRI.B.S.SWATHY KUMAR

RESPONDENTS:

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1. JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), THIRUVANANTHAPURAM.

2. ASSISTANT REGISTRAR OF CO-OP. SOCIETIES
(GENERAL), NEDUMANGAD.

BY GOVERNMENT PLEADER SMT.ANU SIVARAMAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. Basheer, J.

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W.P(C) No.19255 of 2007

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Dated this the 10th day of July, 2007.

J U D G M E N T

Ext.P2 order passed by respondent No.2 is impugned in this writ petition at the instance of a Co-operative Urban Bank. A perusal of Ext.P2 order shows that there is considerable force in the contention raised by the petitioner that respondent No.2 has exercised a jurisdiction which is not vested in him. By the impugned order respondent No.2 has directed the Bank to revoke its own resolution/decision. Anyhow I do not propose to deal with that issue any further in view of the order that I propose to pass.

2. Grievance of the petitioner is that the deadline fixed for submitting the audit certificate is fast approaching. If the Bank does not complete the process of audit before August 31, 2007, the Bank may incur the liability of payment of Rs.25,000/= as fine every day. The license is also likely to be cancelled. It was in the above circumstances that the Bank resolved to appoint 4 employees in the lower categories on daily wage basis to help the concurrent auditor. Learned counsel further points out that in several other Banks and Societies in the same taluk such daily wage employees are being engaged. But respondent No.2 has passed Ext.P2 order without having regard to any of the above aspects.

3. Learned Govt. Pleader after getting instructions submits that the Department is prepared to take a second look at the issue. All the contentions that the petitioner may have will be taken note of . An expeditious decision in the matter will be taken by the Joint Registrar. If the situation is such that petitioner is to be allowed to

engage any employees as requested by it, the Department may not be averse to take a lenient view, of course, within the frame work of the Rules and Regulations.

4. In the above facts and circumstances Ext.P2 order is quashed. The Joint Registrar of Co-operative Societies , Trivandrum shall take a fresh decision in the matter and consider the question whether petitioner can be allowed to engage 4 daily wage employees in the categories referred to in the writ petition for a short duration.

5. Petitioner shall produce a certified copy of the judgment along with a copy of the writ petition before the Joint Registrar for compliance of the directions. The Joint Registrar shall pass orders in the matter within 10 days from today.

6. Petitioner shall appear before the Joint Registrar at his office on July 17, 2007, at 10.30 a.m.

Writ Petition is disposed of in the above terms.

A.K. Basheer
Judge.

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